

64-13-39.5. Definitions -- Health care for chronically or terminally ill offenders -- Notice to health care facility.

(1) As used in this section:

(a) "Department or agency" means the Utah Department of Corrections or a department of corrections or government entity responsible for placing an offender in a facility located in Utah.

(b) "Chronically ill" has the same meaning as in Section 31A-36-102.

(c) "Facility" means an assisted living facility as defined in Subsection 26-21-2(5) and a nursing care facility as defined in Subsection 26-21-2(17), except that transitional care units and other long term care beds owned or operated on the premises of acute care hospitals or critical care hospitals are not facilities for the purpose of this section.

(d) "Offender" means an inmate whom the department or agency has given an early release, pardon, or parole due to a chronic or terminal illness.

(e) "Terminally ill" has the same meaning as in Section 31A-36-102.

(2) If an offender from Utah or any other state is admitted as a resident of a facility due to the chronic or terminal illness, the department or agency placing the offender shall:

(a) provide written notice to the administrator of the facility no later than 15 days prior to the offender's admission as a resident of a facility, stating:

(i) the offense for which the offender was convicted and a description of the actual offense;

(ii) the offender's status with the department or agency;

(iii) that the information provided by the department or agency regarding the offender shall be provided to employees of the facility no later than 10 days prior to the offender's admission to the facility; and

(iv) the contact information for:

(A) the offender's parole officer and also a point of contact within the department or agency, if the offender is on parole; and

(B) a point of contact within the department or agency, if the offender is not under parole supervision but was given an early release or pardon due to a chronic or terminal illness;

(b) make available to the public on the Utah Department of Corrections' website and upon request:

(i) the name and address of the facility where the offender resides; and

(ii) the date the offender was placed at the facility; and

(c) provide a training program for employees who work in a facility where offenders reside, and if the offender is placed at the facility by:

(i) the Utah Department of Corrections, the department shall provide the training program for the employees; and

(ii) by a department or agency from another state, that state's department or agency shall arrange with the Utah Department of Corrections to provide the training required by this Subsection (2), if training has not already been provided by the Utah Department of Corrections, and shall provide to the Utah Department of Corrections any necessary compensation for this service.

(3) The administrator of the facility shall:

(a) provide residents of the facility or their guardians notice that a convicted

felon is being admitted to the facility no later than 10 days prior to the offender's admission to the facility;

(b) advise potential residents or their guardians of persons under Subsection (2) who are current residents of the facility; and

(c) provide training, offered by the Utah Department of Corrections, in the safe management of offenders for all employees.

(4) The Utah Department of Corrections shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, establishing:

(a) a consistent format and procedure for providing notification to facilities and information to the public in compliance with Subsection (2); and

(b) a training program, in compliance with Subsection (3) for employees, who work at facilities where offenders reside to ensure the safety of facility residents and employees.

Amended by Chapter 355, 2009 General Session